



# *Legislative Briefing*

## **Nuclear Waste Hearings**

The Attorney General's Office is fighting plans to put 4,000 high level nuclear waste containers in Utah. State litigators say the 175-ton casks under consideration for the project have never been physically tested to see if they will withstand an earthquake.

"This is a radical and unproven plan for something that is supposed to hold material that is hazardous for 10,000 years," said Assistant Attorney General **Denise Chancellor**. "There is no room for error when it comes to high level nuclear waste." Chancellor has been representing Utah during the public hearings this month.

Private Fuel Storage, a consortium of eight utilities which has formed a Limited Liability Corporation that operate nuclear power plants, has applied for a license to store the casks on the Skull Valley Goshute Indian reservation, about 45 miles southwest of Salt Lake City.

The Atomic Safety and Licensing Board will hear testimony about whether the design for the facility will be able to withstand earthquakes and decide if seismic standards should be relaxed. Instead of physical testing, computer models were used to see if the containers would hold up during an earthquake.

## **Children's Justice Training Held**

The Attorney General's Office provided training on child abuse issues for approximately 450 state professionals at the Seventh Annual Children's Justice Symposium. Law enforcement officers, caseworkers, child protection attorneys, prosecutors, health care professionals, and volunteers attended the three-day symposium. Susan Chasson and Greth Peterson were honored at the event for their efforts to help abused children.

The first Children's Justice Centers were opened in 1991 in Salt Lake, Utah and Weber Counties. The centers provide a safe, home-like place for children during the investigation and prosecution of child abuse cases. Professionals at the centers use a team approach to seek the truth and provide healing for the victims and families. The Attorney General's Office took responsibility over all of the centers in 1994. Utah now has 15 Children's Justice Centers.

## **First Use of Rachael Alert**

In April the Attorney General's Office teamed up with the Utah Broadcasters Association and local law enforcement statewide to create an emergency alert system for kidnapped children.

When Elizabeth Smart disappeared in the early morning hours of June 5, 2002, the Rachael Alert was used for the first time. This was the fastest distribution of information to the widest audience ever to take place in Utah.

## **Felons and Guns**

The Attorney General's Office is fighting a legal battle against a felon who claims he still has the right to possess a firearm. At the Utah Court of Appeals, Wade L. Willis claimed the law prohibiting felons from possessing guns is unconstitutional.

Assistant Attorney General **Brett DelPorto** said the argument is absurd, that it contradicts the intentions of lawmakers, and the same reasoning would allow prison inmates to have guns. The Court of Appeals took the matter under advisement and will issue an opinion at a later date.

## **Gas Cleanup**

A win in the Utah Supreme Court could mean millions of dollars for Utah.

The ruling established the statute of limitations for the Department of Environmental Quality to pursue gas station owners for the cost of cleaning up ground contaminated by a fuel leak.

The case involved six underground fuel tanks in Monticello. The state has already paid \$372,000 on the cleanup in Monticello and may need to spend \$500,000 more to finish it up.

Assistant Attorney General **Paul McConkie** represented Utah and said the ruling will help the state recover costs in Monticello and other significant cases.

## A.A.G. Makes Legal History

For the first time ever, the Utah State Bar has elected a government attorney to be the organization's president-elect. **Debra Moore** has been an Assistant Attorney General for the past 11 years and is currently handling discrimination, employment and civil rights cases for the Litigation Division.

"My hope is to help Utah lawyers anticipate changes in society and the legal system so we can respond thoughtfully rather than simply react," said Moore.

"Debra exemplifies the fact that some of the best and the brightest attorneys are working for the State of Utah," said Attorney General Mark Shurtleff. "Her experience will allow her to bring a new vision and strong leadership to the Bar."

## Impact of A.G.'s Office

Over the last couple of years, the Office of the Attorney General teamed up with other state agencies to bring \$107,478,319 in revenue to the State of Utah.

The Child and Family Services brought in \$5.7 million in reimbursements for collecting child support payments.

The Education Division brought back \$10.4 million back in loan reimbursements and hospital payments.

State Agency Counsel collected \$35 million in tobacco payments.

The Tax and Revenue Division assisted the Utah Tax Commission in bringing \$52 million in state revenue.

## RS 2477 Roads Suit

The Attorney General's Office recently denied a GRAMA request seeking information about closed-door discussions with the Department of the Interior.

A judge later ruled that he must see a list of those documents; the state has complied with that order. The Office continues to view the documents as exempt from public disclosure because they contain confidential attorney communications that would convey the legal theories and strategies of the state's attorneys.

## Bristol-Myers Inflates Drug Prices

Utah joined 28 other states in charging Bristol-Myers Squibb Co. with inflating the cost of a cancer-fighting drug by securing patents that had no legal validity.

Taxol was discovered and developed by the federal government using tax dollars. In 1992 the Food and Drug Administration (FDA) granted the company five years of limited marketing rights. When the marketing rights expired, Bristol-Myers continued to assert exclusivity, which prevented generic drug manufacturers from entering the marketplace until 2000.

Since 1998, Bristol's sales of Taxol have totaled at least \$5.4 billion, much of it from cancer patients, forced to pay significantly higher prices for the life-saving drug.

## Honors in the Office

- **Fred Voros** (Division Chief – Criminal Appeals) is one of two runners-up to the recipient of the Manager of the Year Award.
- **Bonnie Hill** (Web Developer) is a semi-finalist for 2002/2003 Outstanding State Employee Award
- **Ken Bronston** (Assistant Attorney General) has been selected by NAAG as a Supreme Court Fellow.
- **Janise Macanas** (Assistant Attorney General) received a Utah Women's Achievement Award from the Governor's Commission for Women and Families.

## Census Decision May Come Tomorrow

When the court did not issue its opinion last Monday, the Office was told that the next possible time to receive an opinion would be tomorrow – Thursday, June 20th. The next time after that would be Monday, June 24th.

The United States Supreme Court is quickly winding up its 2001-02 session. So far this year, the court has released 68 opinions and is scheduled to conclude its business on June 28, 2002. The court has about a score of opinions left to release.

## More McGruff Houses

Attorney General Mark Shurtleff joined Senator Orrin Hatch to kickoff efforts to double the number of McGruff Houses in Utah in the next decade.

A McGruff House provides a safe place for children to go when they feel they are in danger.

"The McGruff House is an excellent way to take a bite out of crime without putting a pinch on our pocketbooks," said Shurtleff.

He said the recent kidnapping in Salt Lake City has prompted parents to look for additional measures to protect their children.

The Attorney General's Office represents the State in thousands of cases each year. If you need information on any matter being handled by our office, please call Ryan Mecham at 538-1948 or Attorney General Mark Shurtleff at 538-1191. Thank you.